

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

IN RE: BAIR HUGGER FORCED AIR MDL No.: 15-md-02666 (JNE/FLN)
WARMING PRODUCT LIABILITY
LITIGATION

This Document Relates To:

ILA THORNTON,

Civil Action No.: 17-CV-03834-JNE-FLN

Plaintiff,

**DECLARATION OF DONALD C. GREEN II IN SUPPORT OF
PLAINTIFF'S RESPONSE TO DEFENDANTS' MOTION TO DISMISS**

I, Donald C. Green II, declare as follows:

1. I am an attorney at Kennedy Hodges, LLP and Counsel for Plaintiff Ila Thornton in the above-captioned matter.
2. I submit this affidavit in opposition to Defendants' Motion to Dismiss for Failure to Comply with Pretrial Order No. 14 [Dkt. 1124] filed on March 1, 2018.
3. Mrs. Thornton contacted Kennedy Hodges, LLP in August of 2015 regarding injuries that were allegedly caused by the Bair Hugger patient warming device.
4. Medical records and billing records pertaining to Mrs. Thornton's treatment were obtained by Kennedy Hodges through its third party medical records retrieval company.
5. This case was filed on August 18, 2017 to comply with the statute of limitations deadline.

6. In a conversation with staff at Kennedy Hodges on August 23, 2017, Mr. Terry Thornton, the husband of Mrs. Thornton, stated that his wife is currently residing in a nursing home due to her health.
7. On November 9, 2017, Mr. and Mrs. Thornton provided the remaining information for the Plaintiff Fact Sheet.
8. A complete Plaintiff Fact Sheet was submitted on November 16, 2017.
9. On March 7, 2018, an amended Plaintiff Fact Sheet was submitted which addresses the alleged deficiencies identified by Defendants.
10. A verification form using a copy of Mrs. Thornton's signature was also submitted on that date. Permission to use her signature electronically was obtained directly from Mrs. Thornton and is consistent with the Power of Attorney provision in the retainer agreement signed between Kennedy Hodges and Mrs. Thornton.
11. On March 8, 2018, staff at Kennedy Hodges has been in communication with Mr. Thornton regarding the logistics of obtaining a new verification, signed directly by Mrs. Thornton, to submit.
12. This new signed verification will be submitted as soon as it is received.

Pursuant to 28 U.S.C. § 1746(2), I declare under penalty of perjury that the foregoing is true and correct.

March 8, 2018

/s/ Donald C. Green II
Donald C. Green II